national law; in fact, in the case of *Hall* v. *De Cuir*, 95 U. S. 485, the Court declared uniformity in the rules governing carriers to be not only desirable, but necessary. The decision, therefore, is hard to reconcile with the general rule already stated, without modifying the rule in the interest of State laws deemed necessary for the protection of life or property within the State. The rule with its modifications thus forces the principle that Congress has exclusive power over interstate commerce to assume a meaning very different from the obvious one. The conclusion, however, that is reached in the present case is satisfactory; and so far as it is at variance with the principle of the exclusive power of Congress, it indicates a growing feeling in favor of the contrary view.

VERDICT BY INCOMPETENT JURORS. — The validity of a verdict rendered by a jury some of whose members are incompetent by statutory regulations, has long been the subject of conflicting adjudications in this country. Beginning with the early Maryland case of *Shaw* v. *Clarke*, 3 H. & McH. 101, it was certainly the prevailing opinion during the first half of this century that if one of the jurors was an alien, or under age, or lacked any other of the statutory requirements, he was a "non-juror," and his presence vitiated the whole panel and the verdict. The statutes were strictly construed, and incompetency absolutely disqualified a juror irrespective of any challenge from either party in the action; for, it was said, it is the duty of the State to put competent jurors in the jury-box, and the parties have a right to presume that the officers of the State will perform their duty. In recent years, however, the tide of authority has turned, and any incompetency of jurors is held to be only cause for challenge. If a party is cognizant of any incompetency and does not challenge, or even if he fails to examine a juror properly, he is held to have waived his right to object to the competency of the jury, and the verdict will not be set aside unless manifestly unjust. To this effect was a recent case decided in the Supreme Court of Iowa, *State* v. *Pickett*, 73 N. W. Rep. 346.

It is apparent that many considerations of convenience and public policy combine to support this later view. To permit a verdict to be set aside and a new trial granted whenever one of the litigants has failed to examine the jurors, is to waste the time of the court, increase the expenses of the parties and the State, and delay the ends of justice. On principle, too, this view may be supported. To say that there is a duty on the part of the State to put competent jurors in the jury-box, and that the parties may presume such jurors are competent, seems scarcely consistent with the spirit of the statutes which give the parties a right to examine and challenge the panel. If the parties may rely on the jurors being competent, of what significance are the provisions giving a right to challenge? As the Iowa court said, "The State makes no guaranty as to the competency of the jurors, but says to the litigants, 'Examine for yourselves.'" There seems to be no injustice in such a practice. That "a verdict of a jury of deaf-mutes would be valid if defendant failed to exercise his right to challenge," as has been objected, would be scarcely possible, since, by the weight of authority in England and this country, the judge will exercise his discretion and set aside such a verdict as being manifestly unjust.